

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID P. CUCCHI,

*Plaintiff,*

v.

ROBERT J. KAGEL, *et al.*

*Defendants.*

CIVIL ACTION  
NO. 17-01597

**ORDER**

**AND NOW**, this 2nd day of March, 2018, upon consideration of Defendants' Motion for Dismiss, (ECF No. 10), and Plaintiff's response thereto, (ECF No. 12), it is hereby **ORDERED** that:

1. Defendants' Motion is **GRANTED** in part and **DENIED** in part. The First Amendment claims against all Defendants are **DISMISSED** without prejudice;
2. The retaliatory discharge claim in violation of Pennsylvania public policy against Chester County is **DISMISSED** with prejudice.
3. Plaintiff may file a second amended complaint on or before March 16, 2018

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.